

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HITACHI CONSUMER ELECTRONICS CO.,
LTD., and HITACHI ADVANCED DIGITAL,
INC.,

Plaintiffs,

v.

TOP VICTORY ELECTRONICS (TAIWAN)
CO. LTD., TPV INT'L (USA), INC.,
ENVISION PERIPHERALS, INC., TOP
VICTORY ELECTRONICS (FUJIAN) CO.
LTD., TPV ELECTRONICS (FUJIAN) CO.
LTD., and TPV TECHNOLOGY LTD.,

Defendants.

CIVIL ACTION NO. 2:10-CV-260-JRG

JURY

NOTICE OF APPEAL BY PLAINTIFFS

Notice is hereby given that Hitachi Consumer Electronics Co., Ltd. and Hitachi Advanced Digital, Inc. (collectively, "Hitachi"), Plaintiffs in the above-named case, hereby appeal to the United States Court of Appeals for the Federal Circuit from the Final Judgment (Dkt. No. 384) entered in this action on September 19, 2013, and from all interlocutory orders (whether oral or written) preceding and subsequent to the Final Judgment, including without limitation:

- the Memorandum Opinion and Order (Dkt. No. 170) on claim construction, entered in this action on November 13, 2012;
- the Order (Dkt. No. 306) granting the Joint Motion for Partial Summary Judgment of Non-Infringement of Claim 32 of U.S. Patent No. 8,009,375 (Dkt. No. 299), entered in this action on April 5, 2013;

- the District Court's denial of Hitachi's oral and written Rule 50(a) motions (Dkt. No. 332), entered orally¹ on the afternoon of April 11, 2013;
- the Memorandum Opinion and Order (Dkt. No. 383) on Hitachi's renewed motions for judgment as a matter of law and/or motions for new trial, entered in this action on September 18, 2013; and
- the District Court's numerous oral and written evidentiary rulings pertaining to the Digicipher reference and associated witness testimony, including but not limited to the March 19, 2013 Order (Dkt. No. 282) ruling on certain motions, the April 2, 2013 oral ruling (Dkt. No. 305 at pgs. 16-17) on Hitachi's Motion-in-Limine No. 1, the April 11, 2013 Order (Dkt. No. 329) ruling on certain motions, and the various rulings regarding Hitachi's admissibility objections made during trial.

¹ Trial transcript entered at Docket No. 350. Oral motions, and the oral ruling denying those motions, appear at pages 150-153.

Respectfully submitted,

Dated: October 17, 2013

/s/ Martin J. Black
Martin J. Black
martin.black@dechert.com
Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104
(215) 994-4000

Jeffrey B. Plies (State Bar No. 24027621)
Jeff.Plies@dechert.com
Stephen R. Dartt (State Bar No. 24042370)
Stephen.Dartt@dechert.com
DECHERT LLP
300 W. 6th Street
Suite 2010
Austin, TX 78701
(512) 394-3000

Attorneys for Plaintiffs
Hitachi Consumer Electronics Co., Ltd.
and Hitachi Advanced Digital, Inc.

OF COUNSEL:

Otis W. Carroll
Texas Bar No. 03895700
Patrick Kelley
Texas Bar No. 11202500
IRELAND, CARROLL & KELLEY, P.C.
6101 South Broadway, Suite 500
Tyler, TX 75703
(903) 561-1600
(903) 581-1071 (fax)
nancy@icklawn.com
patkelley@icklawn.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 17, 2013.

/s/ Martin J. Black

Martin J. Black